REMARKS

1.   Introduction

In the Office Action mailed December 18, 2006, the Examiner rejected claims 1-6, 8-14, and 16-24 under 35 U.S.C. § 103(a) as being unpatentable over Subramanian et al., U.S. Pub. No. 2002/0147022 ("Subramanian") in view of Bansal et al., U.S. Pub. No. 2004/0264500 ("Bansal"). The Examiner rejected claims 7 and 15 under 35 U.S.C. § 103(a) as being unpatentable over Subramanian in view of Bansal, and further in view of Nee et al., U.S. Patent No. 6,876,857 ("Nee").

In response, Applicants have amended claims 1, 7, 16, 18, and 20-23.

For the reasons set forth below, Applicants respectfully request reconsideration and allowance of the application, as amended herein.

2.   Response to Claim Rejections

a.   Claims 1-8

Of these claims, claim 1 is independent. The Examiner has rejected claim 1 under § 103(a) as being unpatentable over Subramanian in view of Bansal. In response, Applicants have amended claim 1 to recite "determining a number of active mobile stations that are concurrently operating in the given coverage area" and "determining that the number of active mobile stations exceeds a threshold." Support for these amendments can be found in the specification at various places, for example, at page 3, lines 7-12 and page 20, lines 4-22. Applicants submit that with these amendments, claim 1 is clearly allowable over Subramanian in view of Bansal, as set forth below.

In rejecting claim 1, the Examiner alleged that Subramanian's teaching of determining a nominal channel power level and an average effective data rate amounts to "determining that a threshold number of mobile stations being provided communication services are concurrently operating in the given coverage area." *See* Office Action, p. 3. In this regard, Subramanian teaches a "schedule plan phase" that is used to calculate the nominal channel power level and average effective data rate. Subramanian's "schedule plan phase" is illustrated in Figure 2 and is described in paragraphs 19-28.

However, claim 1 has now been amended to specify determining the number of active mobile stations concurrently operating in the given coverage area and determining that the number of active mobile station exceeds a threshold value. In contrast, nothing in Subramanian's "schedule plan phase" involves a determination that the number of active mobile station exceeds a threshold. This is made perfectly clear by the table in paragraph 18, which sets forth the parameters that are used in the mathematical calculations for the schedule plan. The table does not list either the number of active mobile stations or a threshold on this number. Therefore, these are not parameters that are used in Subramanian's calculations.

Accordingly, Applicants submit that Subramanian fails to disclose at least the element of "determining that the number of active mobile stations exceeds a threshold." Applicants further submit that Bansal does not make up for this deficiency in Subramanian. For at least the foregoing reasons, claim 1 is allowable over Subramanian and Bansal, and claims 2-8 are allowable as depending from an allowable claim.

b.   Claims 9-15

Of these claims, claim 9 is independent. The Examiner has rejected claim 9 under §
103(a) as being unpatentable over Subramanian in view of Bansal. In response, Applicants
submit that the rejection is improper and should be withdrawn because the Subramanian/Bansal
combination fails to teach each and every element of claim 9, as set forth below.

Claim 9 recites, *inter alia*, "wherein the bandwidth allocation algorithm is used to
allocate a *forward supplemental channel* among the mobile stations, and wherein the *forward
supplemental channel* is used to send voice or data traffic from a base station to the mobile
stations as part of providing the communication services." However, neither Subramanian nor
Bansal makes any reference whatsoever to a "forward supplemental channel." If the Examiner
believes otherwise, the Examiner is respectfully requested to point out what specific disclosure in
Subramanian and/or Bansal the Examiner believes corresponds to a "forward supplemental
channel."

Accordingly, Applicants submit that claim 9 is allowable over Subramanian and Bansal
for at least the foregoing reasons. Applicants further submit that claims 10-15 are allowable for
at least the reason that they are dependent on an allowable claim.

c.   Claims 16-19

Of these claims, claim 16 is independent. The Examiner has rejected claim 16 under §
103(a) as being unpatentable over Subramanian in view of Bansal. In response, Applicants have
amended claim 16 to recite "determining a number of mobile stations that are currently being
provided communication services by the wireless network" and "determining that the number of
mobile stations concurrently being provided communication services by the wireless network is

below a predetermined threshold number." Support for these amendments can be found in the specification at various places, for example, at page 20, lines 4-22 and page 23, lines 9-19. Applicants submit that with these amendments claim 16 is clearly allowable over Subramanian in view of Bansal, as set forth below.

In rejecting claim 16, the Examiner alleged that Subramanian's teaching of determining a nominal channel power level and an average effective data rate amounts to "determining that a threshold number of mobile stations being provided communication services are concurrently operating in the given coverage area." *See* Office Action, p. 3. In this regard, Subramanian teaches a "schedule plan phase" that is used to calculate the nominal channel power level and average effective data rate.

However, as described above for claim 1, the table in Subramanian that lists the parameters used in the calculations in the "schedule plan phase" does not list either the number of mobile stations or a threshold on this number. Therefore, these are not parameters that are used in Subramanian's calculations.

Accordingly, Applicants submit that Subramanian fails to disclose at least the element of "determining that the number of mobile stations concurrently being provided communication services by the wireless network is below a predetermined threshold number." Applicants further submit that Bansal does not make up for this deficiency in Subramanian. For at least the foregoing reasons, claim 16 is allowable over Subramanian and Bansal, and claims 17-19 are allowable as depending from an allowable claim.

d.   Claims 20-24

Of these claims, claim 20 is independent. The Examiner has rejected claim 20 under §

103(a) as being unpatentable over Subramanian in view of Bansal. In response, Applicants have

amended claim 20 to recite "program logic ... to determine that a number of active mobile

stations are operating concurrently in the given coverage are and to change the bandwidth

allocation algorithm based on the number." Support for these amendments can be found in the

specification at various places, for example, at page 20, lines 4-22 and page 22, lines 9-22.

Applicants submit that with these amendments claim 20 is clearly allowable over Subramanian in

view of Bansal, as set forth below.

In rejecting claim 20, the Examiner alleged that Subramanian's teaching of determining a

nominal channel power level and an average effective data rate amounts to "determining that a

threshold number of mobile stations being provided communication services are concurrently

operating in the given coverage area." *See* Office Action, p. 3. In this regard, Subramanian

teaches a "schedule plan phase" that is used to calculate the nominal channel power level and

average effective data rate.

However, as described above for claim 1, the table in Subramanian that lists the

parameters used in the calculations for the "schedule plan phase" does not list the number of

active mobile stations. Therefore, the number of active mobile stations is not a parameter that is

used in Subramanian's "schedule plan phase," and Subramanian does not teach changing the

bandwidth allocation algorithm based on the number of active mobile stations.

Accordingly, Applicants submit that Subramanian fails to disclose at least the element of

"program logic ... to determine that a number of active mobile stations are operating

concurrently in the given coverage area and to change the bandwidth allocation algorithm based on the number." Applicants further submit that Bansal does not make up for this deficiency in Subramanian. For at least the foregoing reasons, claim 20, as amended, is allowable over Subramanian and Bansal, and claims 21-24 are allowable as depending from an allowable claim.
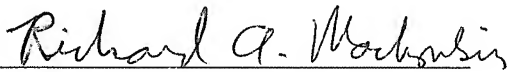
3. Conclusion

Applicants submit that the present application is in condition for allowance, and notice to that effect is hereby requested. Should the Examiner feel that further dialog would advance the subject application to issuance, the Examiner is invited to telephone the undersigned at any time at (312) 913-0001.

Respectfully submitted,

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